ILLINOIS POLLUTION CONTROL BOARD
November 15, 1979

JUNE CANTRELL and LLOYD CANTRELL, Complainants,	)	
v.	)	PCB 79-225
THOMAS GAINES and WILLIAM GAINES, Respondents.	)	

ORDER OF THE BOARD (by Mr. Dumelle):

On October 29, 1979 Complainants initiated this action alleging that Respondents had violated Rule 104(b)(3) of Chapter 5: Livestock Waste Regulations by causing air pollution. The Complaint did not cite any specific provision of the Environmental Protection Act or Chapter 2: Air Pollution as required by Procedural Rule 304(c)(1). In their prayer for relief Complainants requested an award for damages which is beyond the Board's authority as stated in Section 33(c) of the Environmental Protection Act. Consequently the Board finds that the Complaint is frivolous and hereby dismisses this matter without prejudice under authority granted in Section 31(b) of the Environmental Protection Agency Act. Complainants may file another action which corrects the above noted deficiencies if they so desire.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 15th day of November, 1979 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board